

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

DOCKET NO.: 2007-0021-MWD-E **TCEQ ID:** RN101523009 **CASE NO.:** 32127**RESPONDENT NAME:** NJB & Sons, Inc. dba Greenbrier Golf Club

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Approximately 0.75 mile west of State Highway 317 and approximately 2.25 miles north of the intersection of State Highway 317 and Farm-to-Market Road 107, McLennan County</p> <p>TYPE OF OPERATION: Domestic wastewater system</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: No complaints were received. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on June 11, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Ms. Kim Morales, Enforcement Division, Enforcement Team 5, R-12, (713) 422-8938; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896 Respondent: Mr. James M. Budziszewski, Vice President, Greenbrier Golf Club, 7810 South Lone Star Parkway, Moody, Texas 76557-3721 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: November 7, 2006</p> <p>Date of NOE Relating to this Case: December 7, 2006 (NOE)</p> <p>Background Facts: This was a routine record review. One violation was documented.</p> <p>WATER</p> <p>Failed to comply with permitted effluent limits [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a) and TPDES Permit No. 10888001, Interim Effluent Limitations and Monitoring Requirements No.1].</p>	<p>Total Assessed: \$1,250</p> <p>Total Deferred: \$250 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$500</p> <p>Total Paid (Due) to General Revenue: \$500</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that NJB has implemented the following corrective measures at the Facility:</p> <p>a. On August 3, 2006, pumped 1,000 gallons of sludge out of the wastewater treatment plant; and</p> <p>b. By August 31, 2006, achieved compliance with the permitted effluent limits.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP) (See Attachment A).</p>

Attachment A
Docket Number: 2007-0021-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	NJB & Sons, Inc. dba Greenbrier Golf Club
Payable Penalty Amount:	One Thousand Dollars (\$1,000)
SEP Amount:	Five Hundred Dollars (\$500)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Wastewater Treatment Assistance
Location of SEP:	McLennan County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide low income rural homeowners with assistance to enable the repair or replacement of their failing on-site wastewater systems. SEP monies will be used to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination from failing treatment systems

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision December 8, 2006

TCEQ
DATES

Assigned 3-Jan-2007

PCW 5-Jan-2007

Screening 5-Jan-2007

EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent NJB & Sons, Inc. dba Greenbrier Golf Club

Reg. Ent. Ref. No. RN101523009

Facility/Site Region 9-Waco

Major/Minor Source Minor

CASE INFORMATION

Enf./Case ID No. 32127

Docket No. 2007-0021-MWD-E

Media Program(s) Water Quality

Multi-Media

Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000

No. of Violations 1

Order Type 1660

Enf. Coordinator Ruben Soto

EC's Team Enforcement Team 1

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$1,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 50% Enhancement

Subtotals 2, 3, & 7 \$500

Notes

The Respondent self reported six monthly effluent violations and received one Commission issued Agreed Order with denial of liability.

Culpability

No

0% Enhancement

Subtotal 4 \$0

Notes

Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

25% Reduction

Subtotal 5 \$250

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary X

N/A

(mark with x)

Notes

The Respondent came into compliance by August 31, 2006.

0% Enhancement*

Subtotal 6 \$0

Total EB Amounts \$3
Approx. Cost of Compliance \$195

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal \$1,250

OTHER FACTORS AS JUSTICE MAY REQUIRE

Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount \$1,250

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$1,250

DEFERRAL

20%

Reduction

Adjustment -\$250

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$1,000

Screening Date 5-Jan-2007

Docket No. 2007-0021-MWD-E

PCW

Respondent NJB & Sons, Inc. dba Greenbrier Golf Club

Policy Revision 2 (September 2002)

Case ID No. 32127

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN101523009

Media [Statute] Water Quality

Enf. Coordinator Ruben Soto

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	6	30%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 50%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The Respondent self reported six monthly effluent violations and received one Commission issued Agreed Order with denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 50%

Screening Date 5-Jan-2007

Docket No. 2007-0021-MWD-E

PCW

Respondent NJB & Sons, Inc. dba Greenbrier Golf Club

Policy Revision 2 (September 2002)

Case ID No. 32127

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN101523009

Media [Statute] Water Quality

Enf. Coordinator Ruben Soto

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a) and TPDES Permit No. 10888001, Interim Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limits as detailed in the attached chart.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

91 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,000

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$1,250

This violation Final Assessed Penalty (adjusted for limits) \$1,250

Economic Benefit Worksheet

Respondent NJB & Sons, Inc. dba Greenbrier Golf Club
Case ID No. 32127
Reg. Ent. Reference No. RN101523009
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$195	30-Apr-2006	31-Aug-2006	0.3	\$3	n/a	\$3

Notes for DELAYED costs

Cost to pump out 1,000 gallons of sludge from the wastewater treatment plant which may have alleviated or prevented the noncompliance. Date required is the first month of noncompliance. Final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$195

TOTAL

\$3

Effluent Limit Violation Table

Respondent: NJB & Sons, Inc. dba Greenbrier Golf Club

Docket Number: 2007-0021-MWD-E

Corresponds to Violation Number: 1

	Total Suspended Solids Daily Average Loading Limit: 0.8 lbs/day	Total Suspended Solids Daily Average Concentration Limit: 20 mg/L
Month/Year		
April 2006	1.4	45
May 2006	1.0	31.4
June 2006	0.9	28

lbs/day = pounds per day mg/L = milligrams per liter

Compliance History

Customer/Respondent/Owner-Operator:	CN600797344	NJB & Sons, Inc.	Classification: AVERAGE	Rating: 0.97
Regulated Entity:	RN101523009	GREENBRIER GOLF CLUB	Classification: AVERAGE	Site Rating: 0.97
ID Number(s):	WASTEWATER	PERMIT	WQ0010888001	
	WASTEWATER	PERMIT	TPDES0054534	
	WASTEWATER	PERMIT	TX0054534	
	WASTEWATER LICENSING	LICENSE	WQ0010888001	
Location:	0.75 MILE WEST OF STATE HIGHWAY 317 AND APPROXIMATELY 2.25 MILES NORTH OF THE INTERSECTION OF STATE HIGHWAY 317 AND FARM-TO-MARKET ROAD 107, MCLENNAN COUNTY			Rating Date: September 01 06 Repeat Violator: NO

TCEQ Region: REGION 09 - WACO

Date Compliance History Prepared: January 05, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: January 05, 2002 to January 05, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Ruben Soto Phone: 512 239-4571

Site Compliance History Components

- | | |
|----------------------------------------------------------------------------------------------|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 05/09/2003 ADMINORDER 2000-1182-MWD-E

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 319, SubChapter A 319.1

30 TAC Chapter 319, SubChapter A 319.5(b)

Rqmt Prov: Mon Req No. 1 PERMIT

Description: Failed to take effluent samples of the daily average concentrations for BOD5 and TSS at a frequency of once per week for Aug 99 to Aug 00 and failed to report the single grab max con for BOD5 and TSS and max con for pH for Sep 99 to Dec 99.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 06/10/2002 (186588)
- 2 05/08/2003 (186586)
- 3 04/07/2003 (186582)
- 4 04/01/2002 (186581)
- 5 08/01/2003 (307503)
- 6 09/09/2003 (307505)
- 7 04/10/2006 (501453)
- 8 06/04/2004 (356890)
- 9 03/12/2003 (186579)
- 10 05/08/2006 (501454)
- 11 07/09/2004 (356891)
- 12 03/08/2002 (186578)

13 10/03/2003 (307507)
 14 06/12/2006 (501455)
 15 08/12/2004 (356892)
 16 09/07/2004 (356893)
 17 11/03/2003 (307509)
 18 12/08/2003 (307510)
 19 01/09/2004 (307511)
 20 02/04/2004 (307512)
 21 08/05/2005 (443415)
 22 07/13/2006 (523696)
 23 09/09/2005 (443416)
 24 08/14/2006 (523697)
 25 04/01/2005 (422487)
 26 05/06/2005 (422488)
 27 09/08/2006 (523698)
 28 03/10/2006 (473276)
 29 06/08/2005 (422489)
 30 07/08/2005 (422490)
 31 10/10/2005 (473277)
 32 10/09/2005 (473278)
 33 11/09/2005 (473279)
 34 12/07/2006 (518633)
 35 12/06/2005 (473280)
 36 01/10/2006 (473281)
 37 02/10/2006 (473282)
 38 03/14/2005 (384538)
 39 12/09/2004 (384539)
 40 11/09/2004 (384540)
 41 12/09/2004 (384541)
 42 01/11/2005 (384542)
 43 02/08/2005 (384543)
 44 02/05/2003 (186614)
 45 02/07/2002 (186613)
 46 01/08/2003 (186610)
 47 01/18/2002 (186609)
 48 12/03/2002 (186607)
 49 11/01/2002 (186603)
 50 09/23/2002 (186600)
 51 09/03/2002 (186597)
 52 03/09/2004 (307497)
 53 04/12/2004 (307498)
 54 08/05/2002 (186594)
 55 05/07/2004 (307499)
 56 07/01/2002 (186591)
 57 06/05/2003 (307501)
 58 07/03/2003 (307502)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 02/28/2002 (186581)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2003 (186579)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2006 (501455)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2003 (307512)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2006 (523696)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2006 (523697)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.
N/A

G. Type of environmental management systems (EMSs).
N/A

H. Voluntary on-site compliance assessment dates.
N/A

I. Participation in a voluntary pollution reduction program.
N/A

J. Early compliance.
N/A

Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
NJB & SONS, INC. DBA
GREENBRIER GOLF CLUB
RN101523009**

**§ BEFORE THE
§
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-0021-MWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding NJB & Sons, Inc. dba Greenbrier Golf Club ("NJB") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and NJB appear before the Commission and together stipulate that:

1. NJB owns and operates a domestic wastewater system located approximately 0.75 mile west of State Highway 317 and approximately 2.25 miles north of the intersection of State Highway 317 and Farm-to-Market Road 107, McLennan County, Texas (the "Facility").
2. NJB has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and NJB agree that the Commission has jurisdiction to enter this Agreed Order, and that NJB is subject to the Commission's jurisdiction.
4. NJB received notice of the violations alleged in Section II ("Allegations") on or about December 12, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by NJB of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of One Thousand Two Hundred Fifty Dollars (\$1,250) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). NJB has paid Five Hundred Dollars (\$500) of the administrative penalty and Two Hundred Fifty Dollars (\$250) is deferred contingent upon NJB's timely and satisfactory compliance with all the

terms of this Agreed Order. If NJB fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require NJB to pay all or part of the deferred penalty. Five Hundred Dollars (\$500) shall be conditionally offset by NJB's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and NJB have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that NJB has implemented the following corrective measures at the Facility:
 - a. On August 3, 2006, pumped 1,000 gallons of sludge out of the wastewater treatment plant; and
 - b. By August 31, 2006, achieved compliance with the permitted effluent limits.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that NJB has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, NJB is alleged to have failed to comply with permitted effluent limits, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a) and TPDES Permit No. 10888001, Interim Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on November 7, 2006 and as detailed in the following chart:

Month/Year	Total Suspended Solids Daily Average Loading Limit: 0.8 lbs/day	Total Suspended Solids Daily Average Concentration Limit: 20 mg/L
April 2006	1.4	45
May 2006	1.0	31.4
June 2006	0.9	28

lbs/day=pounds per day mg/L=milligrams per liter

III. DENIALS

NJB generally denies each allegation in Section II ("Allegations").

III. DENIALS

NJB generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that NJB pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and NJB's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: NJB & Sons, Inc. dba Greenbrier Golf Club, Docket No. 2007-0021-MWD-E" to:

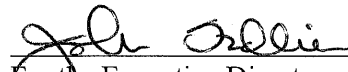
Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. NJB shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Five Hundred Dollars (\$500) of the assessed administrative penalty shall be offset with the condition that NJB implement the SEP defined in Attachment A, incorporated herein by reference. NJB's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon NJB. NJB is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order
4. If NJB fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, NJB's failure to comply is not a violation of this Agreed Order. NJB shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. NJB shall notify the Executive Director within seven days after NJB become aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against NJB in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to NJB, or three days after the date on which the Commission mails notice of the Order to NJB, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

7/17/07

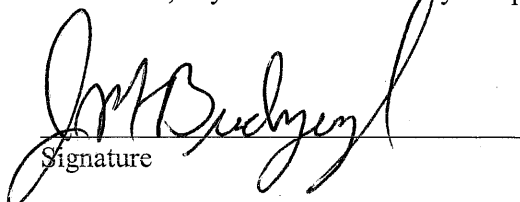
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

3/30/07

Date

James M. Budziszewski

Name (Printed or typed)
Authorized Representative of
NJB & Sons, Inc. dba Greenbrier Golf Club

Vice President

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Introduction

The purpose of this document is to provide a comprehensive overview of the project's objectives, scope, and timeline.

The project is designed to address the following key areas:

- Project Objectives
- Scope of Work
- Timeline and Milestones

The project is expected to deliver the following outcomes:

- Completion of the project by the deadline.
- Delivery of high-quality results that meet the client's requirements.
- Effective communication and collaboration throughout the project lifecycle.

The project team consists of the following members:

- Project Manager: [Name]
- Team Lead: [Name]
- Team Members: [List of names]

The project is currently in the planning phase, and the next steps are to define the project scope and timeline.

Project Manager

Team Lead

Project Sponsor

Client Representative

This document is intended for internal use only and should not be distributed outside the project team.

Attachment A
Docket Number: 2007-0021-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	NJB & Sons, Inc. dba Greenbrier Golf Club
Payable Penalty Amount:	One Thousand Dollars (\$1,000)
SEP Amount:	Five Hundred Dollars (\$500)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Wastewater Treatment Assistance
Location of SEP:	McLennan County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide low income rural homeowners with assistance to enable the repair or replacement of their failing on-site wastewater systems. SEP monies will be used to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination from failing treatment systems

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

